

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

SMARTFLASH LLC and
SMARTFLASH TECHNOLOGIES
LIMITED,

Plaintiffs,

V.

APPLE INC., ROBOT ENTERTAINMENT,
INC., KINGSISLE ENTERTAINMENT, INC.,
and GAME CIRCUS LLC,

Defendants.

Civil Action No. 6:13-cv-447-JRG-KNM

JURY TRIAL DEMANDED

DEFENDANT APPLE INC.'S NOTICE OF SUPPLEMENTAL AUTHORITY

Defendant Apple Inc. submits this notice of supplemental authority to apprise the Court of a recent Federal Circuit decision, *Intellectual Ventures I LLC v. Capital One Bank (USA), Nat’l Ass’n*, No. 2014-1506 (Fed. Cir. July 6, 2015) (attached as Exhibit A), that bears on the question of patent-eligibility currently before this Court. *See* Dkt. 550. The Federal Circuit rejected the patentee’s reliance on *DDR Holdings, LLC v. Hotels.com, L.P.*, 773 F.3d 1245 (Fed. Cir. 2014), explaining that where patent claims “do not address problems unique to the Internet ... *DDR* has no applicability.” Slip op. at 15. The business problem Smartflash’s patents address—“data piracy”—pre-dates the Internet. *See* Dkt. 550 at 8–10; Dkt. 565 at 3–4; *see also*, e.g., *Samsung Elecs. Am., Inc. v. Smartflash, LLC*, No. CBM2014-00194, 2015 WL 1456211, at *7 (P.T.A.B. Mar. 30, 2015) (concluding that “the problem being solved by claim 32 [of the ’221 patent] is a business problem—data piracy” and that “claim 32 does not recite a technological innovation”).

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By: /s/ Ching-Lee Fukuda

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